

**IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

JOHNNY M. HUNT,  
Plaintiff,  
v.

SOUTHERN BAPTIST CONVENTION;  
GUIDEPOST SOLUTIONS LLC; and  
EXECUTIVE COMMITTEE OF THE  
SOUTHERN BAPTIST CONVENTION,

Defendants.

Case No. 3:23-cv-00243  
Judge Campbell  
Magistrate Judge Frensley

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**RESPONSE OF DEFENDANT GUIDEPOST SOLUTIONS LLC  
TO PLAINTIFF'S MOTION TO COMPEL**

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Defendant Guidepost Solutions LLC (“Guidepost”) respectfully submits this Response in Opposition to the motion brought by Plaintiff Johnny M. Hunt (“Hunt”) to compel discovery. (ECF Doc. No. 57-58.) Guidepost files this opposition concurrently with its motion for a protective order, which is incorporated by reference and constitutes Guidepost’s principal response to the instant motion to compel. Guidepost only offers the following brief additional argument in response to certain statements in Hunt’s motion.

*First*, this motion is premature. The Court’s case management order makes clear that discovery disputes should be “brought promptly to the attention of the Magistrate Judge via a request for a discovery conference,” and that “[i]t will be within the Magistrate Judge’s discretion whether to allow for the filing of discovery related motions.” (ECF Doc. No. 37 at § G, pp. 7-8.) As Hunt concedes, counsel did not wait for a telephone conference before filing the Joint Discovery Dispute Statement, nor did they wait for the Court’s permission to file the instant motion

to compel. (ECF No. 58 at 4.) Guidepost believes that this matter could have been resolved quickly and without great expense through a conference call, but Hunt’s counsel elected to proceed without engaging in the pre-motion protocol on an avoidable motion. Hunt’s motion should be denied on that ground alone.

*Second*, Guidepost has not “refused” to produce documents or to provide a date certain by which to complete its production of documents. Rather, as explained more fully in the Joint Discovery Dispute Statement, Guidepost faced delays in accumulating and reviewing the universe of documents because, unlike other ESI productions, in this instance it was necessary to collect documents manually from the custodians to avoid supplying other documents relating to separate confidential investigations to Guidepost’s ESI vendor. That process took from July through September to accomplish.

Once the documents were gathered and provided to the vendor (and to Guidepost’s counsel for review), it became apparent that the alleged survivor’s consent would be required before a number of the documents could be provided. The process of negotiating with the survivor’s counsel took some time and Guidepost did not receive a definitive refusal to provide survivor consent until October 11, 2023.<sup>1</sup> In the meantime, Guidepost made two rolling productions (GP\_000001 - GP\_004327) of those documents that did not require survivor consent or otherwise compromise the survivor’s or her husband’s deeply private marital communications.

*Third*, it is worth noting that Hunt hasn’t produced any documents of his own in response to Guidepost’s discovery requests either, although that is a matter for another day.

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<sup>1</sup>As stated in its contemporaneously filed motion for a protective order, to assist the Court in its determination of the parties’ competing discovery motions, Guidepost stands ready to produce to the Court for *in camera* review the sensitive information relating to the alleged survivor and her husband.

*Finally*, the Court should reject Hunt's request for discovery sanctions. As established in the accompanying motion for a protective order, Guidepost's delay in producing the sensitive documents at issue was substantially justified and an award of expenses under the circumstances would be unjust. Fed. R. Civ. P. 37(a)(5)(A)(ii), (iii).

### **CONCLUSION**

For the foregoing reasons, Guidepost respectfully requests that the Court deny the motion to compel in its entirety.

Dated: October 20, 2023

Respectfully submitted,

s/John R. Jacobson

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## **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing has been served through the Court's electronic filing system on the following:

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on this 20th day of October, 2023.

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